

SERVICE DATE—OCTOBER 23, 2013

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 314 (Sub-No. 6X)

**Chicago Central & Pacific Railroad Company –
Abandonment Exemption –
In Linn County, Iowa**

BACKGROUND

In this proceeding, the Chicago Central & Pacific Railroad Company (CCP) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of rail line in Cedar Rapids, Linn County, Iowa. The line extends from milepost 230.24 to milepost 229.75, a distance of 0.49 miles. CCP states that there are no structures or bridges in the area of the proposed abandonment and that a portion of the line outside the area of the proposed abandonment was formally abandoned and sold for trails use in 2007.¹

The rail line passes through a mix of residential, commercial and industrial areas and traverses U.S. postal zip code 52302. CCP indicates that to the best of its knowledge, the rail line does not contain any federally granted right-of-way. If the notice becomes effective, CCP would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

CCP submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CCP served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].²

¹ On June 18, 2007, CCP filed a notice informing the Board that it had conveyed the rail line from milepost ZA 225.7 to milepost ZA 228.45 to the City of Marion, Iowa under the provisions of the National Trails System Act, 16 U.S.C. § 1247(d). See Chicago Central & Pacific R.R. Co. – Aban. Exemption – In Linn County, IA, AB-314 (Sub-No. 2X).

² The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 314 (Sub-No. 6X).

The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

CCP states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. If abandonment authority is granted, CCP intends to salvage the rail, ties, and track materials, and would leave the underlying roadbed and ballast intact.

The Linn County Board of Supervisors commented that the Linn County Director of Planning and Development reviewed the proposed abandonment for its potential impacts on the natural and human environment and determined that there would be no adverse effects. Accordingly, the Board of Supervisors concurs with this finding.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the right-of-way of the proposed abandonment. OEA has therefore determined that no further consultation with NGS is necessary.

The U.S. Army Corps of Engineers (Corps) concluded that the proposed abandonment would not involve the discharge of fill material in waters of the United States. Therefore, a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344) would not be required.

The U.S. Environmental Protection Agency's (USEPA) Wetland's Office in Washington, D.C. commented that it had forwarded CCP's Environmental and Historic Report to the Region 7 USEPA office in Kansas City, Kansas, noting that the Region 7 office is responsible for providing comments. Accordingly, OEA has included the Region 7 USEPA office in the service list for this proceeding so that it may receive a copy of the EA for review.

The Iowa Department of Natural Resources' (IDNR) Conservation and Recreation Division (CRD) commented that it conducted a search of its database for any rare species or significant natural communities that may be present within the area of the proposed abandonment and found no site specific records for such resources. IDNR notes, however, that it would need to be notified if any such resources are encountered during the salvage process to

determine further actions, if warranted. IDNR also notes that its comments do not include any permits that may be required from IDNR's Environmental Services Division (ESD) and cautioned that other department approvals may be required for the proposed abandonment. OEA is therefore recommending a condition that would require CCP to consult with IDNR's CRD and ESD offices prior to conducting salvage operations to determine what, if any, approvals/permits are needed prior to the salvage process.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to the following agencies for review and comment: the U.S. Environmental Protection Agency, Region 7; the National Park Service; the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service; the Iowa Department of Transportation; and the Iowa Department of Community Development.

HISTORIC REVIEW

CCP submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the State Historical Society of Iowa (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that the railroad is not eligible for inclusion in the National Register of Historic Places (National Register). The SHPO also commented that it had not received any archaeological site background information, as requested, and therefore, could not make a determination as to whether any archaeological resources would be adversely affected by the proposed undertaking.

CCP has since provided a detail of its salvage procedure to OEA. Accordingly, CCP states that it would not be removing the roadbed or ballast, or conducting any other ground disturbing activities during salvage, such as digging or excavating, that would have the potential to disturb archaeological resources, if present. Based on this recent information, OEA believes that no historic properties would be affected by the proposed undertaking. However, we are recommending a condition requiring CCP to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. OEA is also recommending a condition that would require CCP to immediately cease all work and notify OEA, the SHPO, and other interested parties, should any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the salvage process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.³ The database indicated that there are five federally-recognized tribes with ancestral connections in the area of the proposed abandonment. The tribes are: the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Sac and Fox Tribe of Indians of Oklahoma; and the Sac and Fox Tribe of Missouri. OEA has included these tribes in the service list for this proceeding so that they may receive a copy of this EA for comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Prior to commencement of any salvage activities, the Chicago Central & Pacific Railroad Company (CCP) shall consult with the Iowa Department of Natural Resources' (IDNR) Conservation and Recreation Division to ensure that any concerns in the right-of-way are addressed regarding disturbance to any rare species or significant natural communities. CCP shall also consult with IDNR's Environmental Services Division to determine the permit requirements, if any, for watershed disturbances, erosion and sedimentation, or wastewater discharges.
2. CCP shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. CCP shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State Historical Society of Iowa (State Historic Preservation Office or SHPO) and the public. CP may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.
3. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, the railroad shall immediately cease all work and notify OEA and the State Historical Society of Iowa (State Historic Preservation Office or SHPO), pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, the railroad, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

³ Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited October 21, 2013).

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 314 (Sub-No. 6X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: October 23, 2013.

Comment due date: November 7, 2013.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment